

CLOSED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:12-cv-00748-RMC**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL  
 RESPONSIBILITY et al v. U.S. ENVIRONMENTAL  
 PROTECTION AGENCY

Assigned to: Judge Rosemary M. Collyer  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2012  
 Date Terminated: 02/26/2013  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PUBLIC EMPLOYEES FOR  
 ENVIRONMENTAL  
 RESPONSIBILITY**

represented by **Kathryn Douglass**  
 PUBLIC EMPLOYEES FOR  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**RICHARD DAVID HAMMER**

represented by **Kathryn Douglass**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. ENVIRONMENTAL  
 PROTECTION AGENCY**

represented by **Alan R. Burch**  
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**LEAD ATTORNEY**  
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Date Filed	#	Docket Text
05/10/2012	<u>1</u>	COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 350, receipt number 4616048043) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY, RICHARD DAVID HAMMER. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) (Entered: 05/11/2012)
05/10/2012		SUMMONS (3) Issued as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 05/11/2012)
06/01/2012	<u>2</u>	NOTICE of Appearance by Alan R. Burch on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Burch, Alan) (Entered: 06/01/2012)
06/01/2012	<u>3</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond to Complaint</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Burch, Alan) (Entered: 06/01/2012)

06/04/2012		MINUTE ORDER granting <u>3</u> Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the Complaint by July 11, 2012. Signed by Judge Rosemary M. Collyer on 6/4/2012. (lcrmc2) (Entered: 06/04/2012)
06/04/2012		Set/Reset Deadlines/Hearings: Answer to the Complaint due by 7/11/2012. (cdw) (Entered: 06/04/2012)
07/09/2012	<u>4</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond to Complaint</i> , Consent MOTION for Order to <i>Set Briefing Schedule for Summary Judgment</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Burch, Alan) (Entered: 07/09/2012)
07/10/2012		MINUTE ORDER granting <u>4</u> Defendant's consent Motion for Extension of Time to Answer; and granting <u>4</u> Defendant's consent Motion for Order regarding briefing schedule; Set/Reset Deadlines: Answer or other response to complaint is due by 7/18/2012. Defendant's motion for summary judgment is due by July 18, 2012; Plaintiffs' Opposition and cross motion (if desired) is due August 20, 2012; Defendant's reply and cross opposition is due September 10, 2012; Plaintiffs' cross reply is due September 24, 2012. Signed by Judge Rosemary M. Collyer on 7/10/12. (KD) (Entered: 07/10/2012)
07/18/2012	<u>5</u>	MOTION for Summary Judgment , <i>Supporting Memorandum of Law, and Statement of Material Facts</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Declaration of Amy Battaglia and Attachments thereto)(Burch, Alan) (Entered: 07/18/2012)
08/20/2012	<u>6</u>	MOTION for Summary Judgment by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <u>1</u> Exhibit, # <u>2</u> Statement of Facts, # <u>3</u> Supplement, # <u>4</u> Text of Proposed Order)(Douglass, Kathryn) (Entered: 08/20/2012)
08/20/2012	<u>7</u>	Memorandum in opposition to re <u>5</u> MOTION for Summary Judgment , <i>Supporting Memorandum of Law, and Statement of Material Facts</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Statement of Facts, # <u>3</u> Supplement, # <u>4</u> Text of Proposed Order)(Douglass, Kathryn) (Entered: 08/20/2012)
08/30/2012	<u>8</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>5</u> MOTION for Summary Judgment , <i>Supporting Memorandum of Law, and Statement of Material Facts</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Burch, Alan) (Entered: 08/30/2012)
08/31/2012		MINUTE ORDER granting <u>8</u> Motion for Extension of Time to File Response/Reply. Defendant's Response and Reply are due September 24, 2012. Plaintiff's Reply is due October 16, 2012. Signed by Judge Rosemary M. Collyer on 8/31/2012. (lcrmc2) (Entered: 08/31/2012)
08/31/2012		Set/Reset Deadlines/Hearings: Defendant's Response/Reply due by 9/24/2012. Plaintiff's Reply due by 10/16/2012. (cdw) (Entered: 09/04/2012)
09/24/2012	<u>9</u>	REPLY to opposition to motion re <u>5</u> MOTION for Summary Judgment , <i>Supporting Memorandum of Law, and Statement of Material Facts and Reply to Plaintiffs' Opposition to EPA's Statement of Material Facts</i> filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Declaration Supplemental of Amy Battaglia)(Burch, Alan) (Entered: 09/24/2012)
09/24/2012	<u>10</u>	Memorandum in opposition to re <u>6</u> MOTION for Summary Judgment filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Declaration Supplemental of Amy Battaglia, # <u>2</u> Opposition to Plaintiffs' Statement of Material Facts)(Burch, Alan) (Entered: 09/24/2012)
10/16/2012	<u>11</u>	REPLY to opposition to motion re <u>6</u> MOTION for Summary Judgment filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Declaration)(Douglass, Kathryn) (Entered: 10/16/2012)
10/25/2012	<u>12</u>	MOTION for Leave to File <i>Surreply</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> EPA's Surreply)(Burch, Alan) (Entered: 10/25/2012)

10/25/2012	<u>14</u>	SURREPLY to re <u>6</u> MOTION for Summary Judgment filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (rdj) (Entered: 11/16/2012)
11/01/2012	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Leave to File <i>Surreply</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Text of Proposed Order)(Douglass, Kathryn) (Entered: 11/01/2012)
11/09/2012		MINUTE ORDER granting <u>12</u> Motion for Leave to File. Defendant's Surreply is deemed filed nunc pro tunc to October 25, 2012. Plaintiffs' request to file a response to the surreply is denied. The matter is submitted. Signed by Judge Rosemary M. Collyer on 11/9/2012.(lcrmc2) (Entered: 11/09/2012)
02/10/2013		MINUTE ORDER. The EPA shall submit the Maida Report for ex parte, in camera review no later than February 15, 2013. The report shall be sent to the Court in chambers and shall not be filed on ECF. Signed by Judge Rosemary M. Collyer on 2/10/2013. (lcrmc2) (Entered: 02/10/2013)
02/14/2013	<u>15</u>	NOTICE of Filing In Camera by U.S. ENVIRONMENTAL PROTECTION AGENCY re Order, (Burch, Alan) (Entered: 02/14/2013)
02/26/2013	<u>16</u>	MEMORANDUM AND OPINION. Signed by Judge Rosemary M. Collyer on 2/26/2013. (lcrmc2) (Entered: 02/26/2013)
02/26/2013	<u>17</u>	ORDER granting in part and denying in part <u>5</u> EPA's Motion for Summary Judgment; granting in part and denying in part <u>6</u> PEER's Motion for Summary Judgment. PEER's motion is granted in part, and EPA's motion is denied in part, as follows: EPA shall produce to PEER no later than April 1, 2013, a copy of the first three sections of the Maida Report, with all personal identifying information (including names and titles) of all persons in the "Methodology" section redacted. PEER's motion is denied in all other respects, and EPA's motion is granted in all other respects. This case is closed. Signed by Judge Rosemary M. Collyer on 2/26/2013. (lcrmc2) (Entered: 02/26/2013)